

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Bayer 10.139.3-KGB

THOMAS KRAHN ET AL.

MASKING BACKGROUND FLUORESCENCE AND LUMINESCENCE IN OPTICAL ANALYSIS OF BIOMEDICAL ASSAYS

EL 867734844 US

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g. PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 14]
(Preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Detailed Description of the Drawings (if filed)
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 10]
5. ☒ Oath or Declaration [Total Pages 2]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(For continuation/divisional with Box 17 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed Statement attached deleting inventor(s)
Named in the prior application, see 37 CFR 1.63 (d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (*If applicable, all necessary*)
 - a. ☐ Computer Readable Forms (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Paper (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
(When there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of 4 IDS Citations
Statement (IDS)/PTO-1449
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(If foreign priority is claimed)
16. ☒ Other Appendix

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/194,099
Prior application information: *Examiner* *P. Do* *Group / Art Unit:* *1641*

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

18. CORRESPONDENCE ADDRESS

☐ *Customer Number or bar Code Label*

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name	Kurt G. Briscoe
------	-----------------

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Norris McLaughlin & Marcus, P.A.

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(Print/Type)

Kurt G. Briscoe

Registration No.
(Attorney/Agent)

33,141

Signature

Date _____

September 28, 2001

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$1,416.00

Complete if Known

Application Number	Divisional of SN 09/194,099
Filing Date	Herewith
First Named Inventor	THOMAS KRAHN et al.
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No.	Bayer 10,139.3-KGB

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number: 14-1263
- Deposit Account Name: Norris McLaughlin & Marcus
- ☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR § 1.27
2. ☐ Payment Enclosed:
- ☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	710.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1)					\$710.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
37	-20** = 17	X 18.00 =	306.00
Independent Claims	8	-3** = 5	X 80.00 = 400.00
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) \$706.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non - English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR § 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) \$0.00

SUBMITTED BY

Name (Print/Type)	KURT G. BRISCOE	Registration No. (Attorney/Agent)	33,141	Telephone	212-808-0700
Signature		Date	September 28, 2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

CERTIFICATE OF MAILING BY EXPRESS MAIL (37 CFR 1.10)

Express Mail Label No.: EL 867734858 US

Date of Deposit: September 28, 2001

I hereby certify that the following items:

1. Utility Patent Application Transmittal
2. Fee Transmittal (in duplicate)
3. Appendix
4. Specification (pp. 1-11), Claims (pp. 12-13), Abstract (p. 14)
5. 10 sheets of drawings
6. Combined Declaration and Power of Attorney (2 pages)
7. Preliminary Amendment
8. Information Disclosure Statement with Form PTO-1449 and 4 references

and this Certificate of Mailing by Express Mail are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above in an envelope addressed to: Box PATENT APPLICATION, Commissioner of Patents, Washington, D.C. 20231.

NORRIS McLAUGHLIN & MARCUS, P.A.

By: 

220 East 42nd Street - 30th Floor
New York, New York 10017
(212) 808-0700

09065522599660

APPENDIX

TITLE OF THE INVENTION:

MASKING BACKGROUND FLUORESCENCE AND LUMINESCENCE IN OPTICAL
ANALYSIS OF BIOMEDICAL ASSAYS

LIST OF INVENTORS:

Thomas KRAHN
Wolfgang PAFFHAUSEN
Andreas SCHADE
Martin BECHEM
Delf SCHMIDT

CLAIM TO PRIORITY:

Priority is hereby claimed under 35 USC 119 on the basis of German Application
Serial No. 196 21 312.6, filed on May 28, 1996. The priority document was filed in
prior application Serial No. 09/194,099, filed on November 20, 1998.

ASSIGNMENT:

The prior application is assigned to Bayer Aktiengesellschaft, at Reel 9859/Frame
0555, recorded on November 20, 1998.

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